

**THE STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
STATE OF MISSOURI**

STATE BOARD OF REGISTRATION)	
FOR THE HEALING ARTS,)	
)	
Petitioner,)	
vs.)	Case No. 2009-005397
)	
)	
RICHARD M. FLEMING, M.D.)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER REVOKING THE LICENSE OF RICHARD M. FLEMING, M.D.**

The Missouri State Board of Registration for the Healing Arts (the "Board"), pursuant to notice and at its regularly scheduled meeting on January 15, 2010, took up a complaint alleging that Respondent, Richard M. Fleming, M.D., had pled guilty to a felony, and was therefore subject to license revocation pursuant to the provisions of § 334.103.1 RSMo., 2000.

The Board was represented by its general counsel, Sreenu Dandamudi. Respondent was not present and no physical appearance was made upon Respondent's behalf. Glenn Bradford served as the Board's legal advisor at the hearing, during deliberations, and in preparing this Order. Testimony was adduced, exhibits were received into evidence, and the argument of counsel was heard. The Board now enters its Findings of Fact, Conclusions of Law and Order Revoking the Physician and Surgeon License of Richard M. Fleming, M.D.

Findings of Fact

1. The Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri, created and established pursuant to § 334.120 RSMo., for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. The Respondent, Richard M. Fleming, M.D., is licensed by the Board as a physician and surgeon, license number 2005031306. This license was issued on September 26, 2005 and is current through January 31, 2010.
3. The Respondent entered a plea of guilty to health care fraud (18 USC §1347 and 2) in the United States District Court, District of Nebraska ("U.S. Dist. Ct."), case number 4:07 CR3005-001.
4. The felony offense described in the preceding paragraph is reasonably related to the qualifications, functions or duties of the profession; and was for a felony offense of which an essential element was fraud or dishonesty; and involved moral turpitude.
5. During the Hearing, the Board President read a letter that Respondent had faxed to the Board's office.
6. Due to Respondent's plea of guilty, the U.S. Dist. Ct. has placed Respondent on five (5) years probation.

Conclusions of Law

A. The Respondent, Richard M. Fleming, M.D., committed a felony criminal offense reasonably related to the qualifications, functions or duties of the profession; of which an essential element was fraud or dishonesty; and involved moral turpitude.

B. Pursuant to the provisions of § 334.103.1 RSMo., the Board has no choice in these circumstances but to revoke Respondent's license as a physician and surgeon.

C. Pursuant to § 334.100.5 RSMo., in any order of revocation the Board may provide that the person may not apply for reinstatement of the person's license for a period of time ranging from two to seven years following the date of the order of revocation; stay orders toll this time period.

Disciplinary Order

Upon the foregoing findings of fact and conclusions of law, it is the decision and order of the State Board of Registration for the Healing Arts that the physician's license of Respondent, RICHARD M. FLEMING, M.D., be and is hereby REVOKED.

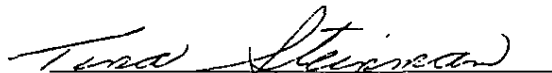
Respondent shall immediately cease the practice of the healing arts, and shall within ten (10) days of the date of this order return all indicia of licensure to the Board.

Respondent shall not apply for reinstatement for a period of five (5) years retroactive to the beginning date of Respondent's five (5) years of federal court probation. Any premature application for reinstatement shall be summarily rejected under the authority of this order.

Respondent is cautioned that his obedience to the terms of this order and his discharge of his professional obligation to transfer his patients' care and records to other physicians will be assessed by the Board upon any application for reinstatement.

So ordered this 2 day of February, 2010.

**State Board of Registration for the
Healing Arts**

A handwritten signature in cursive script, appearing to read "Tina Steinman", written over a horizontal line.

Tina Steinman
Executive Director